

Then, Republicans on the U.S. House Science, Space, and Technology Committee sent the attorneys general letters with a barrage of demands to discourage and disrupt their inquiries. A group of Republican State attorneys general even issued a letter decrying the efforts of their investigating colleagues. All of them insisted the First Amendment should prevent any investigation.

In one ironic example, the Koch-backed front group Americans for Prosperity rode to the rescue of the Koch-backed Competitive Enterprise Institute, one of the climate denial mouthpieces under investigation. The Koch-backed front group Americans for Prosperity announced it was joining a coalition of 47 other groups to support what it called “a fight for free speech,” but according to realkochfacts.org, 43 of the 47 groups in that so-called coalition also have ties to the Kochs, and 28 of them are directly funded by the Kochs and their family foundations. Welcome to the apparatus.

The Koch brothers’ puppet groups claim to stand united against what Americans for Prosperity described as “an affront to the First Amendment rights of all Americans,” but scroll back, and the tobacco companies and their front groups and Republican allies made exactly the same argument against the Department of Justice’s civil racketeering lawsuit—the one the Department of Justice won.

Big Tobacco’s appeal in court argued that, quoting the appeal, “the First Amendment would not permit Congress to enact a law that so criminalized one side of an ongoing legislative and public debate because the industry’s opinions differed from the government or ‘consensus’ view.”

How did they do? They lost. They lost because the case was about fraud, not differences of opinion. Courts can tell the difference between fraud and differences of opinion. They do it all the time. Fraud has specific legal requirements. The courts in the tobacco case held firmly that the Constitution holds no protection for fraud—zero—and the tobacco industry had to stop the fraud. Now the fossil fuel industry says it is different from the tobacco industry while it uses the very same argument as the tobacco schemers.

To really appreciate how bogus the First Amendment argument is, think through what it would mean if fraudulent corporate speech were protected by the First Amendment. Out would go State and Federal laws protecting us from deceitful misrepresentations about products. Consumer protection offices around the country would shrivel or shut their doors, and it would be open season on the American consumer. That is a dark world to envision, but it is the world that results if corporate lies about the safety of their products or industrial processes are placed beyond the reach of the law. I say lies because you have to be lying for it to be fraud.

This begs the question of whether there is really a difference of opinion about climate change among scientists. Last week, 31 leading national scientific organizations, including the American Association for the Advancement of Science, the American Meteorological Society, the American Geophysical Union, and 28 others sent Members of Congress a no-nonsense message that human-caused climate change is real, that it poses serious risks to society, and that we need to substantially reduce greenhouse gas emissions. They told us this:

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research concludes that the greenhouse gases emitted by human activities are the primary driver. This conclusion is based on multiple independent lines of evidence and the vast body of peer-reviewed science.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the 39 scientific organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 28, 2016.

DEAR MEMBERS OF CONGRESS: We, as leaders of major scientific organizations, write to remind you of the consensus scientific view of climate change.

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research concludes that the greenhouse gases emitted by human activities are the primary driver. This conclusion is based on multiple independent lines of evidence and the vast body of peer-reviewed science.

There is strong evidence that ongoing climate change is having broad negative impacts on society, including the global economy, natural resources, and human health. For the United States, climate change impacts include greater threats of extreme weather events, sea level rise, and increased risk of regional water scarcity, heat waves, wildfires, and the disturbance of biological systems. The severity of climate change impacts is increasing and is expected to increase substantially in the coming decades.

To reduce the risk of the most severe impacts of climate change, greenhouse gas emissions must be substantially reduced. In addition, adaptation is necessary to address unavoidable consequences for human health and safety, food security, water availability, and national security, among others.

We, in the scientific community, are prepared to work with you on the scientific issues important to your deliberations as you seek to address the challenges of our changing climate.

American Association for the Advancement of Science
American Chemical Society
American Geophysical Union
American Institute of Biological Sciences
American Meteorological Society
American Public Health Association
American Society of Agronomy
American Society of Ichthyologists and Herpetologists
American Society of Naturalists
American Society of Plant Biologists
American Statistical Association
Association for the Sciences of Limnology and Oceanography
Association for Tropical Biology and Conservation

Association of Ecosystem Research Centers
BioQUEST Curriculum Consortium
Botanical Society of America
Consortium for Ocean Leadership
Crop Science Society of America
Ecological Society of America
Entomological Society of America
Geological Society of America
National Association of Marine Laboratories
Natural Science Collections Alliance
Organization of Biological Field Stations
Society for Industrial and Applied Mathematics
Society for Mathematical Biology
Society for the Study of Amphibians and Reptiles
Society of Nematologists
Society of Systematic Biologists
Soil Science Society of America
University Corporation for Atmospheric Research

Mr. WHITEHOUSE. That letter is the voice of fact, of scientific analysis, and of reason.

Up against it is the apparatus. The apparatus has the money. The apparatus has the slick messaging. The apparatus has the political clout. It has that parallel election spending muscle, it has the lobbying armada, and it has that array of outlets willing to print falsehoods about climate change and, for that matter, about fraud and the First Amendment.

The scientists? Well, they have the expertise, the knowledge, and the facts. Whose side we choose to take says a lot about who we are.

With that, I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. TILLIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER (Mr. SCOTT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. TILLIS. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MILCON-VA AND ZIKA VIRUS FUNDING BILL

Mr. TESTER. Mr. President, it is the end of June and mosquitos are everywhere. That means the danger of the Zika virus is increasing. All but five States have at least one reported case of the Zika virus. Just today, a baby was born in the United States with microcephaly because of the Zika virus. This is a serious crisis that requires serious action.

That is why I was so disappointed to see the majority insert language that would limit access to contraception, a key component of a strategy to fight Zika, but this bill denies women the ability to get birth control services